

UNITED STATES DISTRICT COURT

for the
District of New MexicoUnited States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of CourtIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)The body of Brandon Seals, a.k.a. "Scar"
(Born in 1983)

Case No. 24-MR-432

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, which is attached hereto and incorporated herein.

located in the _____ District of _____ New Mexico, there is now concealed (identify the person or describe the property to be seized):

A sample of DNA by way of two buccal (cheek) swabs.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. §§ 922(g)(1)	Possession of a firearm and ammunition by a convicted felon

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

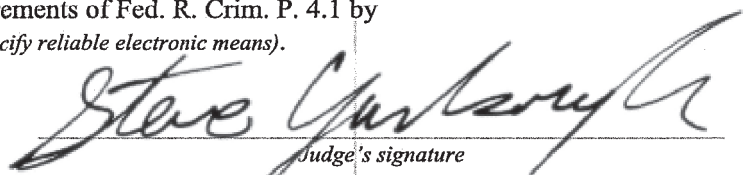
Jennifer Lopez, FBI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 telephonically sworn and electronically signed (specify reliable electronic means).

Date: 03/08/2024

City and state: Albuquerque, New Mexico



Judge's signature

Steven C. Yarbrough, U.S. Magistrate Judge

Printed name and title

INTRODUCTION AND AGENT BACKGROUND

1. I, Jennifer Lopez, being first duly sworn, make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of, BRANDON SEALS, a.k.a., "SCAR" (born in 1983, hereinafter SEALS) to collect a DNA sample by way of two buccal (cheek) swabs.

2. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI) and have been a law enforcement officer for more than 4 years. I am assigned to the FBI Albuquerque Field Office, Violent Gang Task Force (VGTF), where I primarily investigate violent street gangs, violent repeat offenders and criminal enterprises engaged in violations of the Controlled Substances Act, firearms violations, murder, racketeering and other violations of Federal law. My investigative training and experience include, but is not limited to, interviewing subjects, targets, and witnesses, writing affidavits for and executing search and arrest warrants, collecting evidence, conducting surveillance, and analyzing public records. I was a police officer before joining the FBI.

3. Over the course of my career, I have arrested numerous persons for offenses relating to drug possession and distribution, driving while intoxicated and or driving under the influence (DWI/DUI), firearm violations, assaults and other criminal conduct.

4. This affidavit does not set forth all of my knowledge or summarize all of the investigative efforts in this matter; however, this affidavit sets forth only the facts that support probable cause for the limited search of the body of SEALS, for the purpose of collecting a DNA sample. Any observations referenced herein that I did not personally witness were relayed to me in oral or written reports by law enforcement officers who assisted in the investigation of SEALS.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

5. The VGTF is currently investigating SEALS for a violation of 18 U.S.C. §§ 922(g)(1) Possession of a Firearm and Ammunition by a Convicted Felon. SEAL has been convicted of the following felonies;

- a. Residential Burglary in October of 2013;
- b. Three separate convictions of Possession of Controlled Substance in March, May and October of 2014.

6. On March 6, 2024, at approximately 0600 hours, members of the FBI, including the VGTF, Bernalillo County Sheriff's Office and Albuquerque Police Department executed a search warrant at SEALS' residence, 537 Sky Tower St SW, Albuquerque, NM 87121. The search warrant was issued on March 4, 2024, and authorized agents to search for federal firearm and drug violations, in violation of 18 U.S.C. §§ 922(g), 924(c), and 2, and 21 U.S.C. §§ 856, 846, and 841(a)(1), Case Number 24-MR-409.

7. Upon searching the residence of interest, agents located the following:

- a. Smith and Wesson model MP Shield pistol in 9mm Serial #: JLJ7306 (later found stolen per NCIC);
- b. Multiple drug paraphernalia throughout the residence;
- c. A small Ziploc package of crystal-like substance suspected to be methamphetamine;
- d. A small package with a green leafy substance suspected to be marijuana;
- e. Small square like foil with burnt residue throughout the residence;
- f. An empty syringe with an elastic band (approximately an inch in width) next to it;
- g. A black Kia in the garage later found stolen per NCIC. It is suspected the garage is

a "chop shop" due to their being multiple parts/accessories from the vehicle that had been taken off and placed in and around the garage floor where the car was parked.

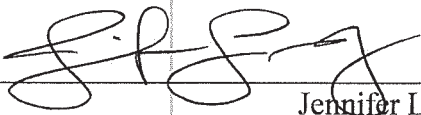
8. As FBI Agents executed the search warrant, an adult female along with two adult males were found in a hidden room/closet of the main bedroom upstairs. The three individuals came out of the residence and complied with FBI personnel and instructions. The adult female claimed to not know the pistol was in the bedroom where her and her husband, BRANDON SEALS slept and lived in. SEALS was read his Miranda rights and he stated he understood them. SEALS stated he was a convicted felon and understood his prohibitions regarding firearms in his possession. When asked if the firearm was his or his wife's, SEALS claimed it was not his wife's firearm. When asked if it was SEALS' firearm, he did not answer and requested his attorney.

9. From my training and experience, I am aware that DNA evidence suitable for comparison may be found on the above-listed firearms. Because of SEALS' connection to the firearms as described above, I believe his DNA may be located on the firearm. When agents send firearms to be tested for a possible DNA match, the FBI laboratory requires a new DNA sample also be sent, even if the suspect for comparison is already in a DNA database. I intend to send those items to the FBI laboratory for DNA testing. I will request the FBI laboratory compare any potential DNA found on the firearm seized from the scene to SEALS' DNA. This process is in line with FBI and U.S. Department of Justice protocols. As such, I am requesting authorization to collect a DNA sample from SEALS by buccal (cheek) swabs. SEAL is in custody due to outstanding warrants and we intend to take the DNA at the jail.

CONCLUSION

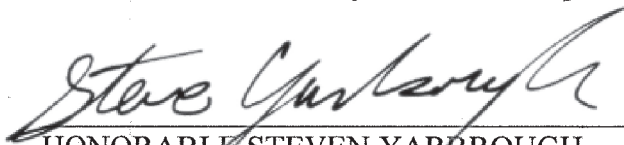
10. Based on the aforementioned information, I submit that probable cause exists to search SEALS, to collect a DNA sample by two buccal swabs; pursuant to Rule 41 of the Federal Rules of Criminal Procedure. This affidavit has been reviewed by Supervisory Assistant United States Attorney Paul Mysliwec.

Respectfully submitted,



Jennifer Lopez
FBI Special Agent

Subscribed electronically and sworn telephonically on March 8, 2024.



HONORABLE STEVEN YARBROUGH
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW MEXICO

ATTACHMENT A

Property to be seized

The person known as Brandon SEALS, a.k.a. "Scar." A color photograph is contained below.

